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APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
09/018,194	02-04-1998	BARBARA A. GILCHRIST	BU94-15A2	9447

21005 7590 08-16-2002

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EXAMINER

WEGERT, SANDRA L

ART UNIT PAPER NUMBER

1647

DATE MAILED: 08/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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DATE MAILED:

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Commissioner of Patents and Trademarks

The amendment filed on 4/11/02, amending claims, such that they are now drawn to a non-elected invention, is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because: The original Invention was directed to a method of "inducing hair growth" in a vertebrate, while the newly-presented Invention is a method of "preventing hair loss" in a mammal. Thus the newly-presented Invention is independent and distinct from that originally elected because the methods are practiced with materially different process steps for materially different purposes and each method requires a non-coextensive search because of different starting materials, process steps and goals.

In response to the previous office action (11/06/01) applicant is required to submit new claims or amend pending claims directed to the original elected Invention (MPEP 821.03).

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. See 37 CFR 1.142(b) and MPEP 821.03.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Advisory Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra Wegert whose telephone number is (703) 308-9346. The examiner can normally be reached Monday - Friday from 9:00 AM to 5:00 PM (Eastern Time). If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Gary Kunz, can be reached at (703) 308-4623.

Official papers filed by fax should be directed to (703) 308-4242. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

SLW
8/14/02

CHRISTINE J. SAOUD
PRIMARY EXAMINER
Christine J. Saoud